REMARKS/ARGUMENTS

Applicants thank Examiner Leith for the helpful and courteous discussion of February 28, 2006, wherein Applicant's U.S. representative presented data that showed the laver composition of the instant invention, in both humans and rats, increases blood flow without eliciting a corresponding hypotensive effect.

Claims 3-12 are withdrawn from consideration as the Restriction Requirement was made final.

Support for each amended claim is found at the correspondingly numbered originally filed claim and throughout the specification.

Upon entry of the amendment, Claims 1-2 will be active.

No new matter is believed to have been added.

The 35 U.S.C. 102(b) rejection of Claims 1-2 as being anticipated by Suetsuna I (JP 20000157226A) or Suetsuna II (JP 11080193A) is respectfully traversed.

Applicants traverse on the grounds that the composition of the instant invention elicits a different *in vivo* response than the peptide or composition of the cited references, and therefore, is both different from, and patentable over, the peptide and composition of the cited references.

Sunetsuna I, in the abstract, describes "a pentapeptide [that is] ... useful a hypotensive agent."

Similarly, Sunetsuna II, also in the abstract, describes a "peptide mixture... [that] has hypotensive action."

Applicants have filed, in addition to this paper, an inventor's declaration, which describes *in vivo* measurements obtained in both rats and humans, that show the effect of the administered peptide composition of the instant invention.

Figure I of the declaration shows changes in blood flow, in rats, for data taken after administration of the instantly claimed peptide composition. At time points 40, 50, and 60 minutes, significant blood flow increases were seen in rats given the peptide composition (line with circles). Conversely, neither placebo (line with squares) nor a 4% saline solution (line with triangles) elected any significant increase in blood flow.

Figure II of the declaration demonstrates that the blood pressure of the rats given the peptide composition remained relatively constant while the blood flow increased.

Figure III of the declaration shows, in part, blood pressure readings (averaged) from women both before and after receiving the peptide composition of the instant invention. The blood pressure of the women remained constant at 100/60 mmHg. However, Figure IV shows that while the blood pressure of the women remained constant, the blood flow as measured in the skin of a foot increased significantly, and the blood flow as measured in the skin of a finger increased moderately.

Thus, the instant invention increased blood flow, *in vivo*, in both rats and humans while not eliciting a hypotensive effect. Conversely, Sunetsuna I and Sunetsuna II elicit hypotensive effects. Accordingly, because the instant composition elicits different effects from the cited composition, and peptide, respectfully, Applicants submit the instant composition is patentable. Withdrawal of the 35 U.S.C. 102(b) rejection is respectfully rejected.

Applicants submit the application is currently in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Charles J. Andres Jr.,Ph.D.
Attorney of Record
Registration No. 57,537

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)